

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 NOV 14 AM 11:26

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)

VS.)

Luis Antonio Padilla-Hinogiante)

Magistrate Judge Case No. BY 07 MJ 2667 DEPUTY

COMPLAINT FOR VIOLATION OF:

21 U.S.C. S 952 & 960

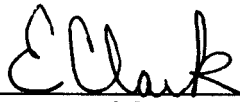
Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

On November 13, 2007, within the Southern District of California, Luis Antonio Padilla-Hinogiante did knowingly and intentionally import approximately 108.20 Kilograms (238.04 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Signature of Complainant
Special Agent, U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 14th day of November, 2007.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Estela Clark, declare under penalty of perjury, the following is true and correct:

At approximately 12:30 p.m., on November 13, 2007, Luis Antonio PADILLA-Hinogiante entered the United States from the Republic of Mexico via the Otay Mesa (California) Port of Entry (POE). PADILLA was the driver and sole occupant of a 1998 white Chevrolet S-10 truck bearing Baja California, Mexico license plate BM74893.

Customs and Border Protection Officer (CBPO) Robert Gomez was performing primary operations in vehicle lane 7, when he was approached by PADILLA. CBPO Gomez approached the vehicle and made contact with PADILLA. CBPO Gomez received a negative Customs declaration from PADILLA. The Chevrolet S-10 truck was taken to the Secondary Lot for further inspection.

At approximately 12:45 p.m., on November 13, 2007, CBPO Norman Sloat with assigned Human and Narcotic Detector Dog "Twister" (CF-29) alerted positively to narcotics behind the driver's seat of the Chevrolet S-10 truck with Mexican license plate BM74893. PADILLA was then escorted to the security office.

On November 13, 2007 at approximately 1:20 p.m., CBPO Tanquilut was assigned to conduct a 7-point inspection of the vehicle. CBPO Tanquilut discovered packages concealed behind the driver's seat and under the bed liner of the truck. CBPO Tanquilut removed a total of 40 packages from the vehicle with a total weight of 108.20 Kilograms (238.04 pounds). CBPO Tanquilut

probed a random package and removed a green leafy organic substance, which field-tested positive for marijuana.

On November 13, 2007 at approximately 4:06 p.m., Special Agent (SA) Estela Clark read PADILLA his rights per Miranda in the Spanish language, as witnessed by SA Joel Dolloff. PADILLA waived his Miranda Rights and agreed to speak without an attorney present. PADILLA admitted that he knew there were drugs in the vehicle, but did not know what type. PADILLA stated he was taking the vehicle to San Diego, California. PADILLA admitted he was being paid \$1,500.00 US dollars upon delivery of the marijuana. PADILLA was subsequently transported to the Metropolitan Correctional Center. PADILLA is now pending federal prosecution.